

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

ERICK PETERSON,

Plaintiff,

v.

MICHAEL MEISNER, *et al.*,

Defendants.

SUPPLEMENTAL
PRELIMINARY PRETRIAL
CONFERENCE ORDER

15-cv-49-slc

At the July 13, 2016, the court neglected to set deadlines for identifying the “Doe” defendant in this case, “Nurse Emily,” an unidentified nurse at Columbia Correctional Institution , against whom plaintiff has an Eighth Amendment medical care claim. To remedy that oversight, the court is supplementing the preliminary pretrial conference order with these deadlines:

Not later than **August 15, 2016**, plaintiff shall complete service of his discovery requests aimed at identifying “Nurse Emily.” It is important for plaintiff to prepare clear, thorough discovery requests so that the defendants’ attorneys and the institution have enough information to provide useful responses. It is not the responsibility of the defendants’ attorneys or the institution to determine the identity of this Doe defendant on their own. Upon receipt of plaintiff’s discovery requests relating to “Nurse Emily,” the defendants’ attorneys should endeavor to provide the requested information as soon as possible but not later than the time allowed by the federal rules of civil procedure. Although the defendants’ attorneys and the institution have no duty to conduct a proactive investigation, the court expects them to use good faith best efforts promptly to identify the Doe defendant currently called “Nurse Emily.”

The defendants’ attorneys should file with the court a copy of their responses to plaintiff’s discovery requests relating to “Nurse Emily.” The defendants’ attorneys also must report to the court whether they will accept service of the amended complaint on behalf of this defendant. If counsel chooses not to accept service, then counsel must provide to the court, ex parte and under seal, the

known address of the now-identified Doe defendant so that the Marshals Service may serve her with the amended complaint.

Not later than **September 26, 2016**, plaintiff shall file an amended complaint. The caption of the document shall be changed to identify it as the *amended* complaint. All that plaintiff needs to do in this document is tell the court the actual identity of defendant “Nurse Emily.” Plaintiff does not need to—in fact is not allowed to—make any other changes to his complaint without first asking for and receiving permission from the court.

Note well: If plaintiff does not file an amended complaint identifying “Nurse Emily” by the deadline, then this court could dismiss all of plaintiff’s claims against this Doe defendant.

Not later than **October 17, 2016**, the now-identified defendant shall file and serve his/her answer or other response to plaintiff’s amended complaint.

Entered this 22nd day of July, 2016.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge